

KOLESAR & LEATHAM
SALVATORE C. GUGINO, ESQ.
Nevada Bar No. 2268
400 S. Rampart, Suite 400
Las Vegas, Nevada 89145
(702) 362-7800

Attorneys for Defendants

***Boyd Gaming Corporation,
M.S.W.. Inc., dba Main Street
Station Casino Brewery Hotel***

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CALVIN KAWAMURA and JEANIE
KAWAMURA)

Plaintiffs,)

vs.)

BOYD GAMING CORPORATION, a)
Nevada corporation; M.S.W., INC., a Nevada)
corporation, dba MAIN STREET STATION)
CASINO, BREWERY and HOTEL; JOHN)
DOES 1-10; DOE CORPORATIONS 1-10;)
DOE PARTNERSHIPS 1-10; and DOE)
ENTITIES 1-10,)

Defendants.)

BOYD GAMING CORPORATION, a)
Nevada corporation; M.S.W., INC., a Nevada)
corporation, dba MAIN STREET STATION)
CASINO, BREWERY and HOTEL,)

Third-Party Plaintiffs,)

vs.)

CHRISTOPHER E. CORSON,)

Third-Party Defendant)

CASE NO.: 2:13-cv-00203-JCM-GWF

**EX PARTE MOTION FOR
EXTENSION OF TIME TO RESPOND
TO OPPOSITION AND MOTION
FILED ON JUNE 30, 2013
AND ORDER
(FIRST REQUEST)**

KOLESAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800/Fax: (702) 362-9472

COME NOW Defendants, BOYD GAMING CORPORATION, a Nevada corporation; M.S.W., INC., a Nevada corporation, dba MAIN STREET CASINO, BREWERY and HOTEL, and Plaintiffs CALVIN and JEANIE KAWAMURA, by and through their undersigned counsel of record and, pursuant to Local Rule 6-2 of the Local Rules of Practice for the United States District Court of the District of Nevada, hereby moves *ex parte* for an extension of time to Wednesday, July 11, 2013, in which to file their Reply to *Plaintiffs Calvin Kawamura and Jeanie Kawamura's Opposition To Defendants' Motion To Reconsider, Rescind Or Modify The Interlocutory Order Of Hawai'i District Court, Filed June 3, 2013*; and their Opposition to *Plaintiffs Calvin Kawamura And Jeanie Kawamura's Motion To Retransfer Venue*, each of which was filed with this Honorable Court on June 20, 2013.

In support of said *Ex Parte Motion*, Defendants show this Honorable Court the following:

1. That each of the filings present intricate issues of law which require in-depth legal research on the part of Defendants' counsel in order to properly respond to said briefs.
2. That the opposition brief and the reply brief would presently be due immediately prior to and subsequent to a national holiday.
3. That, as indicated in the Affidavit of Salvatore C. Gugino, attached hereto, Defendants' counsel has been forced to seek medical treatment which has interfered with his ability to complete the briefs within the time periods previously stated by the Court.

...
...
...
...
...
...
...
...
...

1 WHEREFORE, Defendants pray this Honorable Court extend the time to respond to the briefs
2 filed by Plaintiffs until and including Wednesday, July 11, 2013.

3 Respectfully Submitted,

4 KOLESAR & LEATHAM

5 By: s/s Salvatore C. Gugino, Esq.
6 SALVATORE C. GUGINO, ESQ.
7 Nevada Bar No. 2268
8 400 S. Rampart, Suite 400
9 Las Vegas, Nevada 89145
10 Tel: (702) 362-7800
11 Fax: (702) 362-9472

12 **ORDER**

13 IT IS SO ORDERED this 5th day of July, 2013.

14 By: 
15 UNITED STATES DISTRICT JUDGE

16
17
18
19
20
21
22
23
24
25
26
27
28
KOLE SAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800/Fax: (702) 362-9472

AFFIDAVIT OF SALVATORE C. GUGINO

STATE OF NEVADA)
)
 COUNTY OF CLARK) ss.

SALVATORE C. GUGINO, being first duly sworn, deposes and says:

1. That your Affiant is an attorney and counselor at law, licensed to practice before the courts of the State of Nevada; the United States District Court for the District of Nevada and the Ninth Circuit Court of Appeals;

2. That your Affiant is counsel for Defendants BOYD GAMING CORPORATION and M.S.W., INC., d/b/a MAIN STREET STATION CASINO BREWERY HOTEL, in Case No. 2:13-cv-00203-JCM-GWF, and is fully familiar with all of the circumstances therein;

3. That, on June 20, 2013, your Affiant was served with *Plaintiffs Calvin Kawamura and Jeanie Kawamura's Motion To Retransfer Venue*, the response for which the Court indicated was due July 7, 2013; and *Plaintiffs Calvin Kawamura's Opposition to Defendants' Motion To Reconsider, Rescind, Or Modify The Interlocutory Order of Hawai'i District Court, Filed June 3, 2013*; the reply to which the Court indicated was due by June 30, 2013;

4. That, during the month of June, 2013, your Affiant has been quite ill with a form of anemia, which has disabled your Affiant from being present on a daily basis at the office attending to his assigned cases. That your Affiant has, instead, been required to remain bedridden, and to spend time receiving intervenous drips of iron compounds, and taking other medications to help resolve his condition. That your Affiant has only recently returned to the office full-time to resume his duties, and requires additional time until Wednesday, July 11, 2013 to file his opposition and reply briefs;

5. That both the Motion and the Opposition filed by Plaintiffs are legally intricate and require significant research by Defendants' counsel in order to properly respond. That your Affiant has not been in a sufficiently healthy state in which to respond to these briefs prior to this date.

6. That this is the first request for an extension of time with regard to these briefs, and the request is not interposed for purposes of undue delay.

...

KOLESAR & LEATHAM
 400 South Rampart Boulevard, Suite 400
 Las Vegas, Nevada 89145
 Tel: (702) 362-7800/Fax: (702) 362-9472

8. Defendants stipulate to allow additional time for Plaintiffs to file their Reply brief to Defendants' Opposition to *Plaintiffs Calvin Kawamura and Jeanie Kawamura's Motion To Retransfer Venue*.

s/s Salvatore C. Gugno
SALVATORE C. GUGINO

/s/ *Pauline A. Keller*

- 5 -